

MANNING, CALIENDO & THOMSON, P.A.
Daniel J. Eastmond, Esq. – NJ Attorney ID #014962008
8 Broad Street
Freehold, New Jersey 07728
Tel: (732) 462-4405
Attorneys for Plaintiff, Gary Federico
MCT File No.: 13905

<p>GARY FEDERICO and MICHELLE FEDERICO,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>CHIPOTLE MEXICAN GRILL, INC., JOHN DOE (1-10) (fictitious person(s) and/or entity(ies)), and ABC CORP. (1-10) (fictitious person(s) and/or entity(ies)),</p> <p style="text-align: center;">Defendants.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MONMOUTH COUNTY DOCKET NUMBER: MON-L-</p> <p style="text-align: center;">Civil Action</p> <p style="text-align: center;">COMPLAINT, JURY DEMAND, DESIGNATION OF TRIAL COUNSEL, AND CERTIFICATIONS PURSUANT TO <u>R. 1:38-7(b)</u> AND <u>R. 4:5-1</u></p>
---	--	---

Plaintiff, Gary Federico, residing at 9 Culpeper Key in the Township of Colts Neck,
County of Monmouth, and State of New Jersey, by way of Complaint against the above-named
Defendants, says:

FIRST COUNT

1. On or about October 30, 2019, Plaintiff, Gary Federico was lawfully on the
premises owned and/or leased and/or maintained and/or operated by Defendant, Chipotle
Mexican Grill, Inc., which premises is commonly known as 323 West Main Street, Freehold
Township, New Jersey.

2. At all times relevant hereto, Defendant, Chipotle Mexican Grill, Inc., was under a
duty to maintain and/or operate the said premises in a reasonably safe and proper manner so that
Plaintiff, Gary Federico, would receive no injuries therefrom.

3. Notwithstanding this duty, Defendant, Chipotle Mexican Grill, Inc., negligently operated, inspected, maintained, supervised, constructed, and/or failed to provide necessary and adequate warning on the premises in question, and created and/or maintained and/or suffered a nuisance or dangerous condition upon the premises, and a result thereof, Plaintiff, Gary Federico, was caused to fall and sustain injuries and damages hereinafter set forth.

4. As a direct and proximate result of the negligence of Defendant, Chipotle Mexican Grill, Inc., as described herein, Plaintiff, Gary Federico, sustained severe and permanent personal injuries, suffered and will in the future suffer great pain, incurred and will in the future incur significant medical expenses, lost time from and will in the future lose time from his usual activities, and sustained such other damages as will be shown at the time of trial.

WHEREFORE, Plaintiff, Gary Federico, demands judgment against Defendant, Chipotle Mexican Grill Inc., jointly, severally, or in the alternative, for damages, interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and realleges each and every allegation previously stated as if fully set forth at length herein.

2. At all relevant times hereto, Defendants, John Doe (1-10) and ABC Corp. (1-10), are fictitious names used in place of the true names of individuals and/or entities who may be liable for Plaintiff's damages as set forth herein, and whose identities are presently unknown and/or whose negligence has yet to be determined.

3. At all relevant times hereto, Defendants, John Doe (1-10) and ABC Corp. (1-10), were under a duty to maintain and/or operate the subject premises in a safe and proper manner so that Plaintiff, Gary Federico, would receive no injuries therefrom.

4. Notwithstanding this duty, Defendants, John Doe (1-10) and ABC Corp. (1-10), negligently operated, inspected, maintained, supervised, constructed, and/or failed to provide necessary and adequate warning on the premises in question, and created and/or maintained and/or suffered a nuisance or dangerous condition upon the premises, and a result thereof, Plaintiff, Gary Federico, was caused to fall and sustain injuries and damages hereinafter set forth.

5. As a direct and proximate result of the negligence of Defendants, John Doe (1-10) and ABC Corp. (1-10), Plaintiff, Gary Federico, sustained severe and permanent personal injuries, suffered and will in the future suffer great pain, incurred and will in the future incur significant medical expenses, lost time from and will in the future lose time from his usual activities, and sustained such other damages as will be shown at the time of trial.

WHEREFORE, Plaintiff, Gary Federico, demands judgment against Defendants, Chipotle Mexican Grill Inc., John Doe (1-10), and ABC Corp. (1-10), jointly, severally, or in the alternative, for damages, interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats each and every allegation previously stated as if fully set forth at length herein.

2. Plaintiff, Michelle Federico, is the lawful wife of Plaintiff, Gary Federico.

3. As a direct and proximate result of the negligence of the Defendants, Chipotle Mexican Grill, Inc., John Doe (1-10) and ABC Corp. (1-10), Plaintiff, Michelle Federico, has been deprived of the aid, services, society and consortium of her husband, Gary Federico.

WHEREFORE, Plaintiff, Michelle Federico, demands judgment against Defendants, Chipotle Mexican Grill, Inc., John Doe (1-10) and ABC Corp. (1-10), jointly, severally, or in the alternative, for damages, interest and costs of suit.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury of all issues raised in the Complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Daniel J. Eastmond, Esq. is hereby designated as trial counsel on behalf of the Plaintiff.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that pursuant to R. 4:5-1, to my knowledge and based on the information available to me at this time, the matter in controversy is not the subject of any another action pending in any court or of a pending arbitration proceeding and that no additional parties are known at this time who should be added.

MANNING, CALIENDO & THOMSON, P.A.
Attorneys for Plaintiff, Gary Federico

By: 

DANIEL J. EASTMOND, ESQ.

Date: October 8, 2021

CERTIFICATION PURSUANT TO R. 1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the Court, and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

MANNING, CALIENDO & THOMSON, P.A.
Attorneys for Plaintiff, Gary Federico

By: 

DANIEL J. EASTMOND, ESQ.

Date: October 8, 2021